

21. (Previously Presented) The method of claim 20 wherein said hardwood is birch.

REMARKS

For ease of reference, paragraph numbers used herein correspond to like paragraph numbers used in the Office action.

Rejection under 35 USC §102 or 103

8. Claims 1-9, 13-16 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Composition of American Distilled Tall Oils by MAGEE et al, henceforth referred to as MAGEE. The rejection is respectfully traversed.

In response, amended independent claim 1 is to a “A wood cooking aid comprising a blended mixture of fatty acid component and a rosin acid component and/or salts thereof, and wherein said cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids” (*emphasis added*).

MAGEE teaches compositions of distilled tall oil products produced in the United States and provides characterization of the components of said distilled tall oil products. MAGEE does not teach applicant’s claimed wood cooking aid comprising “blended mixture of a fatty acid component and a rosin acid component and/or salts thereof” (*emphasis added*). Thus, MAGEE cannot be said to anticipate amended independent claim 1.

Dependent claims 2-9, 13-16, incorporate the limitations of claim 1, and are believed to distinguish MAGEE for at least the same reason above.

It is therefore believed by the applicant that the rejection of claims 1-9, 13-16 under 35

USC 102 has been overcome.

Rejections under 35 USC §103

9. Claims 10,11,12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al, as applied to claims 1-9 and 13-16 above, in view of Tall Oil Fatty acids and Relative Substances by Pine Chemical Association, or PCA.

10. Claim 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al. in view of Tall Oil Fatty acids and Relative Substances by Pine Chemical Association, or PCA as applied to claim 17 above, and further in view of U.S. Patent 7,255,873 NAKATA, henceforth referred to as NAKATA.

11. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, hereinafter AAPA, in view of Composition of American Distilled Tall Oils by MAGEE et al., and if necessary, Handbook for Pulp and Paper Technologists by SMOOK, hereinafter SMOOK.

12. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al. in view of US 6,084,061 LAWSON et al., hereinafter LAWSON and if necessary, Handbook for Pulp and Paper Technologists by SMOOK, hereinafter SMOOK.

Responding to the rejections of sections 9, 10, 11, and 12, above, collectively, the following is provided.

10-12 and 17-21 are all patentable over MAGEE at least by the required “blended mixture” limitation as discussed above. None of the cited art of PCA, NAKATA, AAPA, SMOOK, and/or LAWSON, as cited in combination with MAGEE in sections 9-12, disclose or suggest the claimed invention.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's agent Mary Gilbreth at 713 667 1200 x 101, or applicant's attorney Mark Gilbreth at 713 667 1200 x 102.

Respectfully submitted,

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/J. M. (MARK) GILBRETH/

J. M. (Mark) Gilbreth, Reg. No. 33,388

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CORRESPONDENCE ADDRESS:
ARIZONA CHEMICAL COMPANY
LEGAL DEPARTMENT
P.O. Box 550850
Jacksonville FL 32255
UNITED STATES